

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSEPH R. ERNST,

Plaintiff,

v.

Civil Action No. 3:11-cv-625

**EXPERIAN INFORMATION SOLUTIONS,
INC., *et al.*,**

Defendants.

DECLARATION OF TERRY C. FRANK

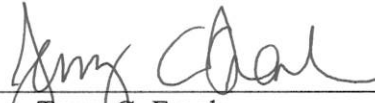
Pursuant to 28 U.S.C. § 1746, I, Terry C. Frank, declare the following:

1. I have personal knowledge of the facts herein.
2. I am counsel of record in the above captioned case.
3. On February 9, 2012, I defended the deposition of Wells Fargo employee, Kathleen Hill.
4. During the course of the deposition, Plaintiff's counsel inquired of Ms. Hill if she was aware that a power of attorney in this case was "forged."
5. In the course of defending Ms. Hill during her deposition, and in the "heat of the moment", I mistakenly stipulated that the power of attorney was "forged."
6. My comments during Ms. Hill's deposition were intended to express that the signature on the power of attorney cannot be conclusively attributed to the Plaintiff, a fact that was only discerned through the course of discovery in this case and to which Ms. Hill testified she had no knowledge of at the time of her investigation.
7. The Plaintiff designated an expert handwriting analyst in this case, Robert Lesnevich, who opined that the signature on the power of attorney did not belong to the Plaintiff.
8. I misspoke when I used the word "forgery", as that would suggest that some sort of fraud

or crime was perpetrated against the Plaintiff.

9. Wells Fargo does not now, nor has it ever, conceded that the Plaintiff is conclusively the victim of fraud or forgery in this case.

EXECUTED this 24 day of February 2012.



Terry C. Frank